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DEVELOPMENT SERVICES
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EDMONDS CITY CLERK

9:31am

Date: April 2, 2012

APPEAL OF SEPA, PRD AND SUBDIVISION APPROVAL OF BURNSTEAD
CONSTRUCTION COMPANY WOODWAY ELEMENTARY PLAT/PRD, P-2007-17/PRD-
2007-18.

1. Name/Address/Phone: Ira Shelton and Kathie Ledger, 10617 237th Place SW, Edmonds, WA
98020, 206-801-7719

2. Basis for Standing: We are both a party of record in this matter. We testified at the hearing
examiner's hearing on February 9, 2012. We reside on the property line with the subject
property, and will be subject to adverse impacts from the project.

3. Identify the application: The application that is the subject of this appeal is the plat/PRD
proposed by Burnstead Construction with file numbers P-2007-17, PRD-2007-18. We also
challenge the SEPA DNS, and/or lack thereof.

4. Grounds for appeal: We plan to submit written argument to the Council pursuant to ECDC
20.07.005 (C). We request a minimum of six weeks notification prior to the proposed appeal
date so that we may prepare and submit materials 12 working days prior to the closed record
review as contemplated in ECDC 20.07.005(D). By submitting materials 12 working days in
advance, we can allow other parties of record the maximum time to respond to the materials. We
further request that the 12 page restriction provided in ECDC 20.07.005 (F) be waived due to the
complexity of this proposal. We plan to present one or more powerpoints during oral argument.

The grounds for appeal include, but are not limited to, the following:

- A failure to correctly apply the PRD requirements, including but not limited to the
requirements related to density. The Burnstead development appears to effectively constitute
a rezoning of a part of the neighborhood, rather than being a PRD. The density of the
development is completely inconsistent with the larger neighborhood surrounding Sherwood

School in the area South of Edmonds Way. The development is so tight that some homes have shared driveways. With the density proposed our lot would have three homes on the boundary with our backyard.

- The impact to the residents of Woodway Meadows resulting from the historic issue around property lines. For thirty years residents developed land on the outside of the fence that currently surrounds the proposed development with the belief that they were improving their own property. Trees were planted 30 years ago that now face destruction. There was no objection to this development. We bought our home 4 years ago and bought a sprinkler system that was installed along the fence line that we are now told is on the property of the proposed development. The surrounding neighborhood should not be penalized for these errors.

- A lack of safe and efficient site access (ECDC 20.35.040(a2)), including but not limited to traffic safety and fire safety. The design of Hickman Park put the entrance to the soccer and baseball area right beside the entrance to the proposed development. The movement of children and traffic from the development creates a high risk that people will be injured. The development project plan was completed prior to the development of Hickman Park beside the proposed development by Burnstead.
 - Hickman Park has very little parking. Overflow parking now is on 237th Pl SW.
 - Families using Hickman Park park their cars on 237th Pl SW, on the south side of the street, and cross 237th Pl. SW. along the entire street. People walking to the park also cross, because the only sidewalk is on the south side of 237th. This change has occurred in the last two years as a result of the city's design for the park, which includes a fence along the south edge of the park with an opening adjacent to the entrance of the proposed development. Children dart out from the cars to enter the park at the entrance which would be beside the only proposed road into the new development. So the proposed 250 car trips/day predicted will produce a risk to the safety of park users, not envisioned when the project was designed.
 - The frequent use of overflow parking on 237th Pl SW creates a narrow

entrance to the new development such that it seems problematic for a large fire truck to enter a new development. 237th is used as overflow parking by Hickman Park and by the nearby swim club so that this crowding of 237th happens frequently. Also, there is a bend in 237th at the entrance to the proposed development that make the entrance of large vehicles even more difficult. We have attached photo 1. Accessibility to fire services is critical for the entire neighborhood. Again, Hickman Park and its design have created a new situation, and plans have not been adjusted. The length of the cul de sac for the development is far longer than the 600 foot recommended length for a cul de sac in Edmonds. A large fire truck would need to back out of this long cul de sac.

- There is only one road for the development so there is no way for fire trucks to get to the trees in the panhandle of Hickman Park.
- Traffic impacts in the surrounding neighborhood did not include the impact of Hickman Park, along with the traffic from the proposed development. The cars waiting to make the left turns to 238th on 100th Avenue frequently back up on to the nearby intersection and adding 250 car trips a day will only make this traffic problem much more serious. A reassessment of impacts should be required.
- The drainage plan proposed for this project puts the surrounding homeowners at risk. As the developer of Woodway Meadows, Mike Echelbarger, testified the Woodway Meadows area is a closed basin. The natural drainage flows southwest, right into Woodway Meadows yards. We live on the southwest corner of the proposed development and the development will be higher than our property. This area has a longstanding issue with flooding water over the road and into homeowners' backyards, along fences, and driveways. We have attached photos numbered 2-4. These are problems that have not been solved over the 30 years of the development. It is an error in judgment to assume that these problems will be solved by building 27 more homes.
 - The hearing examiner order that the drainage problems will be resolved with a plan that handles 100% of the water, but the plans for how this issue will be solved is based on inadequate sampling data. Eliminating the drainage ditch and using a massive centralized drainage facility are illegal under the comprehensive plan. The vault size calculation is wrong, since the impervious surface is now over 50% of the plat, the adjustment (29 used) should be in excess of 30, see Figure III-1.1.

- The hearing examiner has failed to provide for adequate maintenance of the drainage vault as ordered by both courts. Instead, the HWA report at page 2 indicates that the vault is of a kind that is difficult to maintain.
- Too few samples were taken to extrapolate that the proposed plan will work. The December 12, 2011 Technical Memorandum from AES says, “ Our conclusions and recommendations are based on a limited number of explorations, and experience has shown that soil and ground water conditions can vary significantly over small distances and inconsistent conditions can occur between explorations that may not be detected by a geotechnical study.”
- The samples also appear to have been taken in the south east part of the proposed development, when the water problems concentrate on the west side of the property.
- The current plan does not consider the driveways as non-permeable surface, as was described in the hearing by Kernan Lien. This assumption does not pass the test of common sense. There are 25 driveways on this land, so the impact is not trivial. This point is particularly important knowing that builders build to the minimum standard that is applied.
- The soil samplings show medium density soil to high density soil until between ten and fourteen feet. The vault that is being proposed has no way of effectively reaching the infiltration layer without vertical shafts being drilled in the bottom for that purpose. This is not part of the current plan.
- The proposed plan calls for drywells. Given the density of the development, it is not possible to see how drywells can be built, since they must be 10 feet from structures and from property lines.

5. Specific relief sought: Denial of project, as proposed, and a use of the land that respects its traditional use and benefits the public good. In case project goes ahead, the PRD should include only 35% lot coverage, no variance from underground wiring promised in the plan, a cul de sac that does not exceed 600 feet in length, a new SEPA, protection for wildlife areas, a vault that includes vertical shafts that insures access to the infiltration layer, and a plan that does not endanger public safety in terms of traffic safety and fire safety.

6. Statement: I have read this appeal and believe the contents to be true.

Ira Shelton

Ira Shelton 4/1/2012

Kathie Ledger

Kathy 4/1/2012



Google earth

feet
meters

PHOTO #1

100

500





PHOTO #2 104th AVE + 238th LOOKING SOUTHEAST
3/28/2012



PHOTO #3 104th AVE + 239th PL SW LOOKING NW.
3/28/2012 HICKMAN PARK IS TO THE RIGHT OF PHOTO.



PHOTO #4 104TH AVE SW + 238TH ST.

LOOKING SE. FROM CEMETERY

3/28/2012